

# BOARD OF SUPERVISORS

Brown County



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## **PUBLIC SAFETY COMMITTEE**

Patrick Buckley, Chair  
Andy Nicholson, Vice Chair

Megan Borchardt, Staush Gruszynski, Richard Schadewald

### **PUBLIC SAFETY COMMITTEE**

**Wednesday, March 6, 2019**

**4:00 PM**

**Room 200, Northern Building  
305 E. Walnut Street, Green Bay, WI**

**NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE  
ACTION ON ANY ITEM LISTED ON THE AGENDA**

- I. Call meeting to order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of February 6, 2019.

#### **Comments from the Public.**

1. Review Minutes of: *None*.

#### **Public Safety Communications**

2. 2018 to 2019 Carryover Funds.
3. Director's Report.

#### **Emergency Management**

4. Director's Report.

#### **District Attorney**

5. 2018 to 2019 Carryover Funds.
6. District Attorney Report.

#### **Circuit Courts, Commissioners, Probate**

7. Report re: The costs for court appointed attorneys. *Motion at February meeting: That the costs for court appointed attorneys be tracked and reported to the Public Safety Committee.*
8. 2018 to 2019 Carryover Funds.
9. Director's Report.

#### **Clerk of Courts**

10. Clerk of Courts Report.

#### **Medical Examiner**

11. Budget Status Financial Report for January 2019 – Unaudited.
12. Medical Examiner's Report.

### Sheriff

13. Update re: Jail Addition – *Standing Item*.
14. 2018 to 2019 Carryover Funds.
15. Budget Adjustment Request (19-021): Any increase in expenses with an offsetting increase in revenue.
16. Sheriff's Report.

### Communications

17. Communication from Supervisor Buckley re: Have the District Attorney's Office be prepared to have a discussion on potential offenses that can/could be sent to Municipal Court for action. *Motion at December 2018 meeting: To hold for three months.*
18. Communication from Supervisor Deslauriers re: Whereas the Brown County Board of Supervisors has the legal authority to restore 'Protective Occupation Participant' status to Brown County Corrections Officers and,  
Based on the criteria established in Wisconsin Statute 40.02(48)(a), the "principal duties" of Brown County Corrections Officers "involve active law enforcement," requires "frequent exposure to a high degree of danger or peril," and also requires "a high degree of physical condition," and  
Based on chronic Correction Officer understaffing (that will potentially be made worse with the expansion of the Brown County jail), that it is important to the health, safety, and welfare of Corrections Officers, our inmates, and the general public to provide a stronger incentive package to attract and maintain Corrections Officers, and  
Based on the costs of restoring protective status when compared to the costs to recruit and train new Corrections Officers, Brown County sees the financial value of restoring protective status.  
That the Brown County Board of Supervisors supports restoring and funding 'Protective Status with Social Security' for Brown County Corrections Officers. *Motion at February meeting: To refer to Corporation Counsel to bring the resolutions passed in other Wisconsin counties as well as a fiscal impact back to the next meeting.*
19. Communication from Supervisor Erickson re: Have the Clerk of Courts (John Vander Leest) meet with Human Resources to determine why the department employees have been demoted. And that reconsideration be given to the employee classifications of the personnel of this very important department. This meeting should also have a cross section of the department employees. *Referred from February County Board.*
20. Communication from Supervisor Hoyer re: Discussion and possible action concerning how the Sheriff's Department and the District Attorney's offices can engage in formal partnership with religious organizations in investigating allegations of sexual abuse. This would include specific training for these types of investigations. *Referred from February County Board.*
21. Communication from Supervisor Buckley re: Discussion and possible action regarding adding two members of the Board of Supervisors to the Supervised Release Committee.

### Presentation

22. Presentation by Venture Architects regarding Jail Expansion and Medical Examiner Schematic Design.

### Closed Session

23. A. Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1) regarding convening into closed session for the following purpose: *Pursuant to Wis. Stat. § 19.85(1)(e), the Committee shall convene into closed session to deliberate or negotiate the purchasing of public properties, the investing of public funds, or the conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, discussing confidential and security sensitive information, and viewing confidential and security sensitive documents, regarding the investing of public funds for the construction of the Jail expansion and of the Medical Examiner's Office.*  
  
B. Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1), the Committee shall convene into closed session for the following purpose: *Pursuant to Wis. Stat. § 19.85(1)(e), the Committee shall convene into closed session to deliberate or negotiate the purchasing of public properties, the investing of public funds, or the conducting of other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, discussing confidential and security sensitive information, and viewing confidential and security sensitive documents, regarding the*

*investing of public funds for the construction of the Jail expansion and of the Medical Examiner's Office.*

**C. Reconvene in Open Session:** The Committee shall reconvene into open session for possible voting and/or other action with respect to the closed session item mentioned above.

**Other**

- 24. Audit of bills.
- 25. Such other matters as authorized by law.
- 26. Adjourn.

Patrick Buckley, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY**  
**PUBLIC SAFETY COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Public Safety Committee was held on Wednesday, February 6, 2019 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Buckley, Supervisor Schadewald, Supervisor Nicholson, Supervisor Borchardt, Supervisor Gruszynski  
**Also Present:** Supervisors Deneys, Deslauriers and Lefebvre, Public Works Director Paul Fontecchio, Director of Technology Services August Neverman, Enterprise Technology Project Manager Beth Rodgers, TAD/CJCC Court Supervisor Mark Vanden Hoogen, Judge Zuidmulder, Judge Atkinson, Director of Administration Chad Weininger, Corporation Counsel David Hemery, Clerk of Courts John Vander Leest, Public Safety Communications Director Cullen Peltier, Emergency Management Director Jerad Preston, Sheriff Todd Delain, Captain John Rousseau, Office Manager Michele Andresen, other interested parties and media.

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**I. Call meeting to order.**

The meeting was called to order by Chair Pat Buckley at 4:00 pm.

**II. Approve/Modify Agenda.**

Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to take Items 23, 24 and 25 following Item 2. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to approve as amended. Vote taken. MOTION CARRIED UNANIMOUSLY

**III. Approve/Modify Minutes of January 2, 2019.**

Motion made by Supervisor Schadewald, seconded by Supervisor Borchardt to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

**Comments from the Public.** None.

**1. Review Minutes of:**

**a. Criminal Justice Coordinating Board (January 15, 2019).**

Motion made by Supervisor Gruszynski, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

**b. Local Emergency Planning Committee (January 8, 2019).**

Motion made by Supervisor Nicholson, seconded by Supervisor Borchardt to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

**c. Traffic Safety Commission (October 9, 2018).**

Motion made by Supervisor Borchardt, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

**Treatment Courts**

**2. Treatment Court Update by Judge Zuidmulder.**

Judge Zuidmulder provided a handout, a copy of which is attached, showing the current status of each of the treatment courts. The treatment courts were established in 2009 and Judge Zuidmulder has been providing updates on a regular basis to the Public Safety and Human Services Committees since then. He commended the

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County Board for the initial funding of the treatment courts as well as their support in increasing the treatment courts and continuing to fund them. The treatment courts benefit those who need a highly structured probation setting which includes treatment to address the underlying cause of criminal activity.

Judge Zuidmulder shared that he has been asked to serve on one of the Governor's transition committees and he was told that he was asked because Brown County is considered to be the crown jewel of treatment courts and what has been accomplished here is recognized and acknowledged statewide.

Judge Zuidmulder continued that he has the pleasure of being the Judge of the NEW Veterans Treatment Court. This court is made up of individuals who are suffering from PTSD which has been inflicted upon the participants through their service to our country. These individuals are in programs and working very closely with the VA to get the help they need. He noted that at one time soldiers were being rotated into wars every 60 days, but the DOD had indicated it should have been more like every 18 months. As a result of this, we have a lot of service members coming back into the community that need help. Judge Zuidmulder is proud to be involved in the Veterans Treatment Court and has found it very inspirational to assist the participants in finding their path back.

Judge Zuidmulder also presides over the Mental Health Treatment Court which is made up of individuals who have consumed an inordinate amount of law enforcement time in the past. Through this treatment court, these people are able to be stabilized and regulated and are able to function in the community. One of the most dramatic things with the Mental Health Treatment Court is shown on the last page of the handout which shows the decrease in the number of police calls and jail placements prior to Mental Health Treatment Court and then post Mental Health Treatment Court. There was an 89% decrease in police calls/contact during and after completion of Mental Health Treatment Court as well as a decrease of 88% of jail placements during and after Mental Health Treatment Court.

At the time Veterans Court was started, it did not have a case manager. Judge Zuidmulder used one of the case managers from the OWI Treatment Court to cover the Veterans Treatment Court and that has been working out so far, but he wanted the Committee to know that in the event the number of participants in the treatment courts increases, he may have to ask for another case manager.

Supervisor Borchardt commented that she appreciates what the treatment courts do and said there is a lot to be proud of. She enjoys going to the graduations and seeing the successes of the participants.

**Motion made by Supervisor Nicholson, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

*Although shown in the proper format here, Items 23, 24 and 25 were taken at this time.*

### **Circuit Courts, Commissioners, Probate**

#### **3. Discussion re: Explanation regarding assignment of court appointed attorneys when representation should be by Public Defender's Office.**

Chair Buckley said this was brought to his attention because there were concerns regarding judges appointing attorneys instead of waiting for the Public Defender's Office and Judge Atkinson indicated he would address this with the Committee. Judge Atkinson explained that defense counsel is supplied by the State Public Defender's Office by state statute. The Public Defender's Office has staff members in-house, but they cannot handle the entire caseload of defendants so they then hire private attorneys at the rate of \$40 an hour which is set by the state legislature. In a case many years ago, State v. Dean, a ruling was made that if a person is not eligible for a public defender but still could not afford an attorney, Circuit Court judges could make an appointment of counsel of private members of the bar and those appointments are paid \$70 per hour. What happened is that because of the low pay for the state public defenders, attorneys will not take the cases so defendants are sitting in jail and out on signature bond and come to court and say that no attorney has been assigned. The Public Defender's Office often indicates they have called 50 – 100 attorneys and none of them would take the case at \$40 an hour.

Judge Atkinson continued that both the US Constitution and the State Constitution have provisions that guarantee defendants the right to a speedy trial. Judges have to weigh the constitution provisions for the right to a speedy

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trial versus the Public Defender's Office failure to obtain counsel to represent the defendants so some judges have been appointing counsel at the county expense of \$70 per hour. Some judges thought to get the cases moving along they could appoint the county attorneys at \$70 an hour, but then bill the Public Defender's Office \$40 an hour, costing the county only \$30 an hour, but the Public Defender's Office will not pay the \$40 an hour because it is not their appointment. Judge Atkinson said this is not included in the budget because when the budget was submitted this issue was not anticipated.

Buckley indicated he talked to Jeff Cano at the Public Defender's Office who assured that if contacted, the Public Defender's Office makes every effort possible to get an attorney appointed as soon as possible. Cano is frustrated as well with this situation in that it could make it harder for him to find attorneys to appoint because they know if they just hold out long enough, the court will appoint them at the higher rate. The court may have the ability to appoint these attorneys, but there is not a line item for this. Judge Atkinson agreed and indicated that he has notified the judges of this issue. He noted each judge is individually elected and each has their own interpretation as to what a speedy trial is and decisions are made individually on each case.

Buckley said if this is something we need to put money towards, there needs to be some guidelines and parameters as to how the money would be authorized because at this time judges are authorizing money that is not there. Judge Atkinson noted there is money allocated for the regular appointments, but with the acceleration of appointments this early in the year, that budgeted amount will run out. Supervisor Schadewald feels a reporting mechanism is needed on this so the Board can see what this is costing us. The County Board cannot tell judges what to do or how to do it, but the Board does have to watch the budget.

Gruszynski said there has been no appetite in the Governor's office over the last 8 years to raise the public defender rates but he is hopeful that with the new administration in Madison, this is something that will be addressed. He feels it is important to know that there is lack of action. Judge Atkinson said they are constantly seeking increases in payments through the Director of State Courts and Circuit Judges Association. The rate of \$40 an hour has been ridiculously low for many years. Legislators have also been contacted on this and this has also been addressed through the District Attorney Organization as well as through the Criminal Justice Coordinating Board, so there has been a barrage of information going to Madison and Judge Atkinson is hopeful there will be movement on this issue with the new administration.

Clerk of Courts John Vander Leest said his office receives the bills for the court appointed attorneys after the case is concluded and hopefully there has been a wage assignment for repayment and then they try to collect any balance. His office also pays the public defender bills through the court appointed attorney line item, but they cannot ask for repayment from the defendants. In December 2018 there have been 40 cases appointed and those costs could range from \$350 - \$1000 or more per case.

Buckley suggested Judge Atkinson take this back to the judges again and perhaps ask Corporation Counsel or the Director of Administration to come and help explain to the judges that there is not a budget for this. There needs to be some sort of mechanism and guidelines as to if the appointment is truly needed. Judge Atkinson understood and reiterated that the phrase "right to a speedy trial" is something that is independently determined by each judge and therefore a standard guideline is not possible. He gave high praise to Jeff Cano and said the judges work closely with him, but noted that Cano is still subject to the acceptance of attorneys to take the cases at \$40 an hour. Judge Atkinson said the judges do not take this lightly and noted they take an oath to uphold the Constitution and recognize that it is their duty and obligation to comply.

Vander Leest added that court appointed attorneys can also ask for investigative costs and he has received bills for investigations which range from \$500 - \$1000 in addition to the attorney bills.

**Motion made by Supervisor Schadewald, seconded by Supervisor Gruszynski that the costs for court appointed attorneys be tracked and reported to the Public Safety Committee. Vote taken. MOTION CARRIED UNANIMOUSLY**

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**4. Director's Report.**

With regard to courthouse security, Judge Atkinson informed they have received the Dewberry report and it will be discussed at the next judge's meeting on February 11. The report gives three options, and the judges want to rank the options in order of preference and give their recommendations to Facilities and the Courthouse Security Committee who will meet later in the month.

**Motion made by Supervisor Nicholson, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Clerk of Courts**

**5. Report re: 2019 Courthouse Security Conference.**

Clerk of Courts John Vander Leest informed he will be attending the Courthouse Security Conference in Appleton in March. He said some counties send administration and County Board members and noted that scholarships are available.

**Motion made by Supervisor Nicholson, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**6. Clerk of Courts Report.**

Vander Leest provided the Committee with a handout of 2019 highlights in the Clerk of Courts Office, a copy of which is attached. He outlined each of the highlights with the Committee. With regard to the SDC, Gruszynski asked if once the 20,000 case backlog gets caught up, if there will be a point where the rate of return will be diminished. Vander Leest responded that the first few years will have the highest return, but after that, a new base will be established that will be fairly stable, and he noted that the SDC has a higher rate of success for collections than other entities.

**Motion made by Supervisor Nicholson, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Medical Examiner**

**7. Medical Examiner's Report.**

*No report; no action taken.*

**Public Safety Communications**

**8. Update re: CAD System.**

Director of Public Safety Communications Cullen Peltier and Captain John Rousseau addressed the Committee. Capt. Rousseau is heading up the law enforcement user group that has been working on prioritizing the issues with the CAD. As reported last month, the CAD system went live on December 12 and there were a number of major issues after go live that were not experienced in testing. The two largest of those issues were resolved several weeks ago. The goal was to then start working on the other issues and get those knocked off but the progress has not been as fast as they would have liked and at this time Peltier does not believe it is prudent to continue to put his staff and the officers and firefighters on the road through the challenges that trying to work through these issues is creating. He believes they are still able to do their jobs, but it has been very difficult in the last month or so while they work on the issues.

At this time Peltier recommended the County roll back to the previous CAD system and then explore the options. This will present some challenges and he has been working with TS staff, Sheriff's Department staff and his staff to determine what will be entailed to roll back. It will not be a quick process and there will still be challenges, one of which is that at least one interface needs to be setup. Peltier has called a meeting for tomorrow and has invited all

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the agencies to come in so they can go over the issues with the rollback and define the role they will need to take and then start exploring what the options are once they roll back.

Captain Rousseau said the user group has met and from a law enforcement perspective they have done their due diligence and have had a lot of communication back and forth with the company and expected to see certain results and serious changes to some of the core responsibilities law enforcement have, but they have not seen that at the pace that is needed for the officers on the road. The law enforcement group agrees with Peltier's recommendation to roll back and feels that this is the best way to move forward.

Schadewald appreciated the hard decisions being made and he knows the issues with this. He appreciates the honesty and diligence and agreed that if the new system is not working, the roll back is what we have to do. Gruszynski noted that in the past it was explained that the prior system is being phased out and questioned how rolling back is possible. Peltier said there are options that can be done before the absolute end of life on the product which is August 2020. Gruszynski also questioned the contractual obligations for this. Corporation Counsel Dave Hemery responded that the County does have a contract with Securus and he has reviewed it. There are a lot of issues and negotiations that will have to take place depending on the decisions the County makes with regard to rollback, but he noted that the rollback is entirely feasible.

**Motion made by Supervisor Nicholson, seconded by Supervisor Borchardt to suspend the rules to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY**

*Note: Nobody came forward to speak to this matter.*

Buckley said Peltier and his staff, Captain Rousseau and a number of others have been working very hard to make this work. Going back to the old system is not going to be easy, and at some point we will have to go forward with another system. He urged those who use the product every day to provide their insight and thoughts on this to Peltier.

**Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY**

Peltier commended his staff, TS and the GIS coordinator who have all been working so hard on this entire project and said they put a lot of time and effort into it. It is a little defeating to them, but they are committed to work through it. Buckley also commended Peltier and Captain Rousseau for the work they have done on this.

*No action taken.*

**9. Director's Report.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Emergency Management**

**10. Director's Report.**

**Motion made by Supervisor Nicholson, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**District Attorney**

**11. District Attorney Report.**

Office Manager Michele Andresen informed that DA Lasee is working with Corporation Counsel on resolutions for a criminal justice funding proposal and to criminalize OWI first.

**Motion made by Supervisor Schadewald, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Sheriff**

**12. Update on Jail Addition – *Standing Item.***

Sheriff Todd Delain indicated this is moving forward and the schematics will be presented at the next Public Safety Committee meeting.

*No action taken.*

**13. Key Factor Report through December 2018.**

**Motion made by Supervisor Schadewald, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Schadewald, seconded by Supervisor Gruszynski to suspend the rules to take Items 14 – 21 together. Vote taken. MOTION CARRIED UNANIMOUSLY**

**14. Budget Adjustment Request (19-002): Any increase in expenses with an offsetting increase in revenue.**

**15. Budget Adjustment Request (19-003): Any increase in expenses with an offsetting increase in revenue.**

**16. Budget Adjustment Request (19-004): Any increase in expenses with an offsetting increase in revenue.**

**17. Budget Adjustment Request (19-005): Any increase in expenses with an offsetting increase in revenue.**

**18. Budget Adjustment Request (19-006): Any increase in expenses with an offsetting increase in revenue.**

**19. Budget Adjustment Request (19-008): Any increase in expenses with an offsetting increase in revenue.**

**20. Budget Adjustment Request (19-009): Any increase in expenses with an offsetting increase in revenue.**

**21. Budget Adjustment Request (19-010): Any increase in expenses with an offsetting increase in revenue.**

**Motion made by Supervisor Schadewald, seconded by Supervisor Borchardt to approve Items 14 – 21. Vote taken. MOTION CARRIED UNANIMOUSLY**

**22. Sheriff's Report.**

Delain said yesterday a number of awards were presented to law enforcement officers as well as citizens for outstanding work they have done in the last year and he was honored to be part of that event.

**Motion made by Supervisor Schadewald, seconded by Supervisor Borchardt to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Communications**

**23. Communication from Supervisor Schadewald re: This is my request for the Facilities Director to attend February Public Safety Committee meeting to report on the following: Courthouse Security update, copper roof update and maintenance at Courthouse. *Motion at January meeting: To refer to the February Public Safety Committee meeting and ask Public Works Director Paul Fontecchio to attend.***

Schadewald wished to be updated on courthouse security, the copper dome at the courthouse and other courthouse maintenance. Public Works Director Paul Fontecchio said the right level of security is something the Sheriff's Department would have to determine. After that is determined and the County Board agrees, Facilities will be the department that would administer the plan, secure the architects and oversee the work, but Facilities does not get involved of what the right level of security should be.

With regard to the copper dome, Fontecchio informed the project is out for bids. March 5 is the deadline for bids and then the work will be done when the weather is right this spring or summer.

With regard to general maintenance of the courthouse, Borchardt asked how often the exterior is cleaned, what happens when there are missing tiles, etc. She wants to be sure the building is taken care of and being maintained appropriately to keep it as historical as possible. Fontecchio responded that the courthouse is one of the better funded County buildings from a maintenance standpoint. This year's budget contains funds for deep cleaning of the courthouse and a number of other buildings. There are also line items in the budget each year for things like carpet cleaning and tile replacement and other maintenance items.

Fontecchio informed he would like to have a presentation placed on the next Public Safety agenda for Venture Architects to come and share the schematic designs for the jail and medical examiner's office.

**Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

24. **Communication from Supervisor Schadewald re: This late communication is my request for a review of the programs, services and/or county involvement for children (birth to age 4) that are in need of assistance. *Referred from January County Board.***

Schadewald informed this communication has gone to several other committees. He asked if Circuit Courts, Clerk of Courts or Probate have any programs that deal with children from birth to age 4 other than custody and guardianship. Vander Leest informed the Clerk of Courts does not have any programming related to children. Judge Atkinson informed the Circuit Courts do not have any specific programs, but they do see children in custody disputes and CHIPs cases. Sheriff Delain said the Sheriff's Department assists the Circuit Courts in custody issues when necessary as the action arm of the Circuit Courts. The Sheriff's Department may also assist if a social worker requests it when they are seeking temporary physical placement until a child safety issue can be resolved through the Courts.

**Motion made by Supervisor Nicholson, seconded by Supervisor Borchardt to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

25. **Communication from Supervisor Deslauriers re: Whereas the Brown County Board of Supervisor's has the legal authority to restore 'Protective Occupation Participant' status to Brown County Corrections Officers and,  
Based on the criterial established in Wisconsin Statute 40.02(48)(a), the "principal duties" of Brown County Corrections Officers "involve active law enforcement," requires "frequent exposure to a high degree of danger or peril," and also requires "a high degree of physical condition," and  
Based on chronic Correction Officer understaffing (that will potentially be made worse with the expansion of the Brown County jail), that it is important to the health, safety, and welfare of Corrections Officers, our inmates, and the general public to provide a stronger incentive package to attract and maintain Corrections Officers, and  
Based on the costs of restoring protective status when compared to the costs to recruit and train new Corrections Officers, Brown County sees the financial value of restoring protective status.  
That the Brown County Board of Supervisors supports restoring and funding 'Protective Status with Social Security' for Brown County Corrections Officers. *Referred from January County Board.***

Correctional Officers lost their protective status following Act 10. Buckley said there has not been any disagreement by the County Board as far as wanting to bring back the protective status; we are just waiting for the legislature to do something. Sheriff Delain said former Sheriff John Gossage has advocated very heavily for

protective status for the county's correctional officers. Sheriff Delain said he also supports protective status for the correctional officers 100% and noted last time this was before the County Board for a vote on supporting legislation to support protective status it passed 26-0.

Supervisor Deslauriers asked the Committee to open the floor to allow several correctional officers to speak.

**Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to suspend the rules to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY**

-Officer Dustin Dimmer, 3030 Curry Lane, Green Bay, WI

Dimmer read a statement to the Committee, a copy of which is attached that explains his job duties and why consideration should be given to returning protective status.

-Jail Corporal David Sturm, 3030 Curry Lane, Green Bay, WI

Sturm read a statement, a copy of which is attached, regarding why he is keeping his appeal open regarding his loss of protective status and now being classified as a general municipal employee.

-Officer Brian Nies, 3030 Curry Lane, Green Bay, WI

Nies read a statement from Corporal Jeffrey Mekash, a copy of which is attached, as well as a letter that was sent to the ETF in support of his own appeal, a copy of which is also attached.

Deslauriers said he has been looking at this issue for a long time and has done some research as to what other counties are doing. He informed it is within the purview of the County Board to declare the correctional officer positions as protective status positions. The duties of the correctional officers on a daily basis include everything from firefighting to inmate control and it is obvious that they meet the statutory requirements that they should have protective status. Deslauriers said the County Board has the power to fix this and said there is plenty of time for the administration to prioritize and appropriately fund this effort. The officers here tonight have been very patient in this matter.

Deslauriers continued that other counties have declared the positions as protective status, and the ETF does not fight that determination. Brown County has been supportive of protective status and he hopes that is still the desire. He views this not as a benefit, but as what they deserve and feels it is an appropriate award for the job they do. If these positions were to be declared protective status, it would be possible that the administrative arm could object to that and it could be overturned, but that would be politically unusual. Deslauriers wrote this communication very specifically to make sure people know why he is asking for these things. He noted the current job posting for correctional officers clearly states the law enforcement aspect of the job and indicates the job requires frequent exposure to a high degree of danger or peril and also requires a high degree of physical condition. Supervisors of the correctional officers who are not hands on and rarely involve themselves specifically with inmate interactions are classified as protective status and Deslauriers does not feel that is right.

Deslauriers continued that there has been chronic trouble staffing these positions and, further, the turnover is higher than it should be. This is a very difficult job and without the protections that protective status gives, Deslauriers feels it becomes a very unwanted job. He feels having protective status would make recruitment and retention of correctional officers easier. He would like to see the County Board declare this as a protective status role with appropriate funding to get these officers the protection and benefits they deserve to protect themselves and their families, as well as the inmates.

Borchardt asked if there are any debriefing or mental health services available to correctional officers. It was stated that when there is something traumatic or when they go hands on or use force, there is usually a debrief and they are also made aware of other resources such as EAP and the jail chaplain. Borchardt thanked these officers for all they go through.

Supervisor Nicholson said before he was on the County Board, he was a police officer in a large city and he has worked in other areas of law enforcement, including in a jail. He knows what this job entails and does not like that

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they lost protective status as he believes the correctional officers go through the same dangers as officers on the front line. He supported protective status in the past and will continue to do so.

**Motion made by Supervisor Schadewald, seconded by Supervisor Nicholson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY**

Hemery provided a handout containing Senate Bill 2019 SB5 which addresses a lot of the issues raised here as well as some FAQs from the ETF website and a decision regarding the five jail employees that appealed not making them protective status, copies of these documents are attached.

The current bill in the Senate would make jailers protective occupant participants which would give them a lower retirement age along with a higher percentage multiplier regarding calculating retirement annuity benefits. When this was last up before the County Board, one of the concerns raised was regarding creating new collective bargaining units. Bill 2019 SB5 specifically defines jailers for purposes of bargaining as general municipal employees. The bill addresses concerns that many counties have regarding providing additional bargaining rights and also addresses concerns regarding costs of making jailers protective occupant participants and therefore public safety employees. Should this bill pass, the jailers would be required to pay all additional employer costs resulting from their classification as protective occupant participants, including the cost of the duty disability program. This bill seems to address the concerns of both the jailers and the County Board and the bill is currently making its way through the legislature.

Nicholson asked if the County can implement this on its own. Hemery responded that for the County to determine the jailers are protective occupant participants, the County Board would have to determine the three requirements are met. Those three elements are:

1. That jailers duties involve active law enforcement, which is defined as using 51% or more of their time in traditional law enforcement duties;
2. That there is frequent exposure to a high degree of danger or peril; and
3. That the job requires a high degree of physical condition.

If the County Board were to find that our jailers meet those three criteria, the County Board could designate them as protective occupant participants and when that is forwarded to the ETF, they would then be classified as protective occupant participants and public safety employees.

Hemery continued that the employees that would receive protective if this bill would pass would be required to pay all additional employer costs and in turn they would receive the benefits of the earlier retirement and the higher multiplier. County jailers who were classified as protective occupant participants before the bill's effective date are not required to pay the additional costs.

Based on the list of cosigners of the bill, Gruszynski has more hope for this piece of legislation than he has in the past because it has bipartisan authors and sponsorship and that is important to recognize.

Deslauriers is not content to wait for the bill, whose wording is likely to change, and he is not willing to saddle the correctional officers with the costs of their benefits. He feels this is an issue that the County Board can handle on their own and then pass on to the administration to find the funding for the next budget. He does not want to rely on Madison when we can handle this on our own. The job description of a correctional officer for the current opening requires knowledge of and compliance with all applicable state and federal laws and further states that physical conditioning is required due to the environment in which they work in that a correctional officer must be able to defend themselves and others from physical harm. Deslauriers said since the County Board has the ability to correct this wrong, we should do it instead of waiting on Madison. He feels we all clearly understand this is the correct thing for the position and he said he took his Supervisor job to right wrongs which is what he is asking for. Deslauriers said there a number of other counties doing this. He noted that the statutory requirement for active law enforcement is 51% of the duties, not the time spent which is a really important distinction.

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Buckley said the County has been dealing with protective status since it was removed. He noted that a correctional officer and a police officer are two different jobs. He is concerned about the 51% element of duties being law enforcement and said the County Board will have to look at all aspects of this. If 51% of the time is law enforcement, are they deputies? There is also the question of whether they would belong to the collective bargaining unit. These are questions that need to be answered and considered before a change is made. Buckley is not saying the correctional officers do not deserve the protective status, but there are concerns that need to be addressed as to how they are categorized and what it means to the makeup of the Sheriff's Department.

Supervisor Deneys informed the first 3 months of his 30 year law enforcement career was spent in the jail and he did not want to go back, for some of the same reasons stated at this meeting. He feels there are avenues to look at what these correctional officers do and whether or not they deserve the protective status. He truly feels they do, but he also feels we need to examine this closely to be sure things are done the appropriate way. One of the things that has not been talked about is the Sheriff's deputies paying more for their benefits. He wants to be sure it is understood that the Sheriff's deputies do pay a portion of the added benefit; when the County pays its portion, there is an added cost to the employee because they do pay that matching cost.

Buckley noted nobody seems to disagree the correctional officers should have protective status; the question is how to go about doing it. In the past, the clearest way was to try to get the law clarified and that has to be done through Madison. As much as we disagree with that process, if it has to go to court as to what the status is, we need that clarification. After seeing who has signed onto the bill, Buckley is hopeful it will pass. He would put this back on Corporation Counsel or the Sheriff to determine how this will affect the County.

Deslauriers does not disagree with the points made, except for the legal authority to take action and he reiterated that the County Board has the authority to do a declaration for this position for protective status. It is another avenue to get this accomplished instead of waiting on Madison and relying on a bill for which we have no control over the wording. He feels this can draft this in a way that works for Brown County. This is not improper or illegal and is something that has already been done by other counties and ETF has not contested it. He strongly feels this is a County function and would like to move towards that.

Buckley recalled that several years ago money was set aside for this. He feels it is not so much about the money; it is the fact that it needs to be done properly. He understands there is authority to do it, but it also needs to be understood that there are ramifications such as back pay issues, are they considered deputies, etc. This has to be done correctly so it does not end up costing more on the back end.

Gruszynski clarified that ETF could challenge this and also questioned if this would open the County up to legal challenges. Hemery responded that the County Board would have to agree that the three elements he referenced earlier are met and the County would then send the form to ETF stating that the jailers are now protective occupation participants. ETF, as a matter of course, does not look closely at decisions counties are making and they usually go along with what they receive from counties. However, another entity could challenge that, similar to the case that he provided and those matters can be appealed in court. If the County were to make the declaration, odds are the ETF would take that at face value and would treat the jailers as protective occupation participants and public safety employees, but again, there is not a clear procedure for challenging a determination like that.

Hemery continued that one of the main issues the bill addresses is that even though the bill would make jailers protective occupation participants and therefore public safety employees, it specifically states that jailers are general municipal employees, which means they do not have the same bargaining abilities as public safety employees. If the County were to go ahead and declare them protective occupant participants prior to the passage of the bill, the right to bargain would go along with that.

**Motion made by Supervisor Gruszynski, seconded by Supervisor Schadewald to refer to Corporation Counsel to bring the resolutions passed in other Wisconsin counties as well as a fiscal impact back to the next meeting. Vote taken. MOTION CARRIED UNANIMOUSLY**

)))

Other

26. Audit of bills.

Motion made by Supervisor Schadewald, seconded by Supervisor Gruszynski to acknowledge receipt of the bills.  
Vote taken. MOTION CARRIED UNANIMOUSLY

27. Such other matters as authorized by law. None.

28. Adjourn.

Motion made by Supervisor Borchardt, seconded by Supervisor Schadewald to adjourn at 5:52 pm. Vote taken.  
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

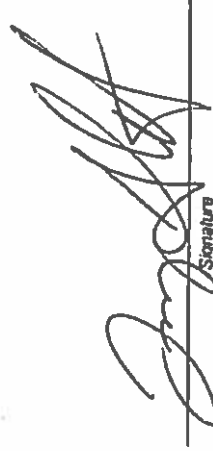
Therese Giannunzio  
Administrative Specialist

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**PUBLIC SAFETY DIVISION  
2018 TO 2019 CARRYOVER FUNDS**

| <u>DEPARTMENT</u>                                       | <u>ACCOUNT #</u>     | <u>PURPOSE</u>   | <u>AMOUNT<br/>REQUESTED</u> |
|---|----------------------|--|-----------------------------|
| <u>Circuit Courts</u>                                   |                      |  |                             |
| Outlay - Other (\$5,000+)                               | 100.010.003.6110.100 | Completion of Court Commissioner front counter security glass from 2018 Contingency Fund | <u>5,795</u>                |
| <u>District Attorney<br/>Expert Witness</u>             |                      |  |                             |
|   | 100.024.001.5782.100 | Completion of cases in 2019 needing expert witnesses                                     | <u>7,330</u>                |
| <u>Emergency Communications Upgrade Capital Project</u> |                      |  |                             |
|   | 431.013.XXXX         | Continuation of project implementation   | <u>737,749</u> *estimated   |
| <u>Law Records Management System</u>                    |                      |  |                             |
|   | 433.074.XXXX         | Continuation of project implementation   | <u>38,732</u> *estimated    |
| <u>Sheriff's Projects - Video Surveillance</u>          |                      |  |                             |
|   | 434.074.470.XXXX     | Continuation of project implementation   | <u>14,388</u> *estimated    |

Approved by County Executive:



2/20/19  
Date

2, 5, 8, 14.

These are the available funds at this time. They may be changed for any audit or adjusting entries.

# BUDGET STATUS REPORT

Brown County  
Medical Examiner  
Budget Status Report

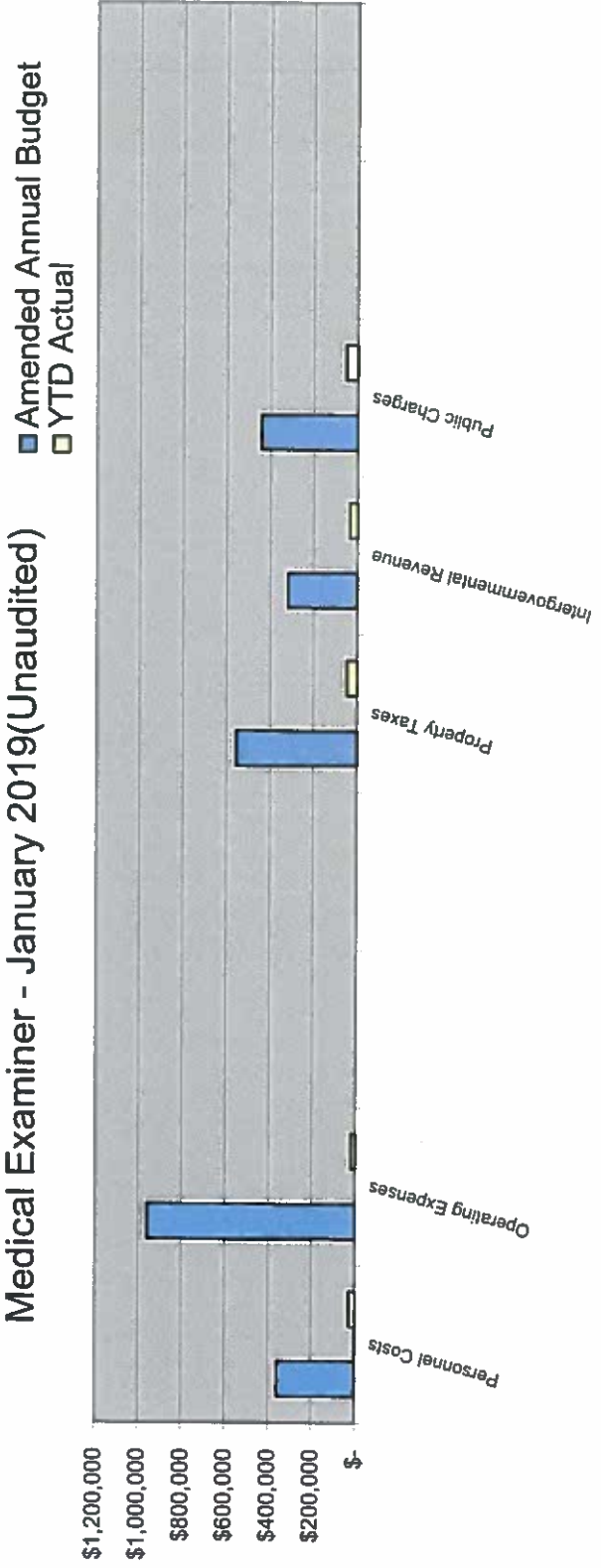
|                           | Amended<br>Annual Budget | YTD<br>Actual | % Used/<br>Received |
|---------------------------|--------------------------|---------------|---------------------|
| Personnel Costs           | 357,461                  | 27,265        | 7.6%                |
| Operating Expenses        | 956,431                  | 19,060        | 2.0%                |
| Property Taxes            | 555,010                  | 46,251        | 8.3%                |
| Intergovernmental Revenue | 316,882                  | 34,192        | 10.8%               |
| Public Charges            | 442,000                  | 53,660        | 12.1%               |

## HIGHLIGHTS:

### Expenses:

### Revenues:

Medical Examiner - January 2019(Unaudited)





# Budget by Account Classification Report

Through 01/31/19  
Prior Fiscal Year Activity Included  
Summary Listing

| Account Classification         |  | Adopted               | Budget        | Amended               | Current Month       | YTD           | YTD                 | Budget - YTD          | % Used/    | Prior Year Total      |
|--------------------------------|--|-----------------------|---------------|-----------------------|---------------------|---------------|---------------------|-----------------------|------------|-----------------------|
| Fund 100 - General Fund        |  | Budget                | Amendments    | Budget                | Transactions        | Encumbrances  | Transactions        | Transactions          | Rec'd      |                       |
| <b>REVENUE</b>                 |  |                       |               |                       |                     |               |                     |                       |            |                       |
| Property taxes                 |  | 555,010.00            | .00           | 555,010.00            | 46,250.83           | .00           | 46,250.83           | 508,759.17            | 8          | 547,691.00            |
| Intergov Revenue               |  | 316,882.00            | .00           | 316,882.00            | 34,192.00           | .00           | 34,192.00           | 282,690.00            | 11         | 205,152.00            |
| Public Charges                 |  | 442,000.00            | .00           | 442,000.00            | 53,659.56           | .00           | 53,659.56           | 388,340.44            | 12         | 552,105.10            |
| Miscellaneous Revenue          |  | .00                   | .00           | .00                   | .00                 | .00           | .00                 | .00                   | +++        | 39,183.00             |
| Other Financing Sources        |  | .00                   | .00           | .00                   | .00                 | .00           | .00                 | .00                   | +++        | 47,248.00             |
| <b>REVENUE TOTALS</b>          |  | <b>\$1,313,892.00</b> | <b>\$0.00</b> | <b>\$1,313,892.00</b> | <b>\$134,102.39</b> | <b>\$0.00</b> | <b>\$134,102.39</b> | <b>\$1,179,789.61</b> | <b>10%</b> | <b>\$1,391,379.10</b> |
| <b>EXPENSE</b>                 |  |                       |               |                       |                     |               |                     |                       |            |                       |
| Personnel Costs                |  | 357,461.00            | .00           | 357,461.00            | 27,264.64           | .00           | 27,264.64           | 330,196.36            | 8          | 383,474.38            |
| Operating Expenses             |  | 956,431.00            | .00           | 956,431.00            | 19,059.65           | .00           | 19,059.65           | 937,371.35            | 2          | 768,403.71            |
| Outlay                         |  | .00                   | .00           | .00                   | .00                 | .00           | .00                 | .00                   | +++        | 39,067.14             |
| <b>EXPENSE TOTALS</b>          |  | <b>\$1,313,892.00</b> | <b>\$0.00</b> | <b>\$1,313,892.00</b> | <b>\$46,324.29</b>  | <b>\$0.00</b> | <b>\$46,324.29</b>  | <b>\$1,267,567.71</b> | <b>4%</b>  | <b>\$1,190,945.23</b> |
| Fund 100 - General Fund Totals |  |                       |               |                       |                     |               |                     |                       |            |                       |
| <b>REVENUE TOTALS</b>          |  | <b>1,313,892.00</b>   | <b>.00</b>    | <b>1,313,892.00</b>   | <b>134,102.39</b>   | <b>.00</b>    | <b>134,102.39</b>   | <b>1,179,789.61</b>   | <b>10%</b> | <b>1,391,379.10</b>   |
| <b>EXPENSE TOTALS</b>          |  | <b>1,313,892.00</b>   | <b>.00</b>    | <b>1,313,892.00</b>   | <b>46,324.29</b>    | <b>.00</b>    | <b>46,324.29</b>    | <b>1,267,567.71</b>   | <b>4%</b>  | <b>1,190,945.23</b>   |
| Fund 100 - General Fund Totals |  | <b>\$0.00</b>         | <b>\$0.00</b> | <b>\$0.00</b>         | <b>\$87,778.10</b>  | <b>\$0.00</b> | <b>\$87,778.10</b>  | <b>(\$87,778.10)</b>  |            | <b>\$200,433.87</b>   |
| Grand Totals                   |  |                       |               |                       |                     |               |                     |                       |            |                       |
| <b>REVENUE TOTALS</b>          |  | <b>1,313,892.00</b>   | <b>.00</b>    | <b>1,313,892.00</b>   | <b>134,102.39</b>   | <b>.00</b>    | <b>134,102.39</b>   | <b>1,179,789.61</b>   | <b>10%</b> | <b>1,391,379.10</b>   |
| <b>EXPENSE TOTALS</b>          |  | <b>1,313,892.00</b>   | <b>.00</b>    | <b>1,313,892.00</b>   | <b>46,324.29</b>    | <b>.00</b>    | <b>46,324.29</b>    | <b>1,267,567.71</b>   | <b>4%</b>  | <b>1,190,945.23</b>   |
| Grand Totals                   |  | <b>\$0.00</b>         | <b>\$0.00</b> | <b>\$0.00</b>         | <b>\$87,778.10</b>  | <b>\$0.00</b> | <b>\$87,778.10</b>  | <b>(\$87,778.10)</b>  |            | <b>\$200,433.87</b>   |

2019 Brown County Medical Examiner Activity Summary

|                          | Investigations | Autopsy | External | Cremations | Suicides | Homicides | MVA | Other Acc (Fall/OD) |
|--------------------------|----------------|---------|----------|------------|----------|-----------|-----|---------------------|
| January                  | 63             | 14      | 0        | 77         | 2        | 1         | 1   | 7                   |
| February (through 02/27) | 72             | 14      | 0        | 70         | 1        | 2         | 0   | 10                  |

March

April

May

June

July

August

September

October

November

December

Totals

| Previous Years  | Investigations | Autopsy | External | Cremations | Suicides | Homicides | MVA | Other Acc |
|-----------------|----------------|---------|----------|------------|----------|-----------|-----|-----------|
| End of Jan 2018 | 64             | 13      | 1        | 140        | 2        | 0         | 1   | 7         |
| End of Jan 2017 | 67             | 13      | 1        | 119        | 3        | 0         | 3   | 9         |

2

preadsheet

| Off Road Acc | Natural | Undet | Pending |
|--------------|---------|-------|---------|
| 0            | 41      | 0     | 11      |
| 0            | 40      | 0     | 12      |

| Off Road MVA | Natural | Undet | Pending |
|--------------|---------|-------|---------|
| 0            | 28      | 0     | 5       |
| 0            | 27      | 0     | 6       |

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# BUDGET ADJUSTMENT REQUEST

19-021

## Category

## Approval Level

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> 1            | Reallocation from one account to another in the same level of appropriation  | Dept Head   |
| <input type="checkbox"/> 2            | Reallocation due to a technical correction that could include: <ul style="list-style-type: none"> <li>• Reallocation to another account strictly for tracking or accounting purposes</li> <li>• Allocation of budgeted prior year grant not completed in the prior year</li> </ul> | Director of Admin                                     |
| <input type="checkbox"/> 3            | Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation  | County Exec   |
| <input type="checkbox"/> 4            | Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.)   | County Exec   |
| <input type="checkbox"/> 5 a)         | Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts).  | Admin Comm  |
| <input type="checkbox"/> 5 b)         | Reallocation of <u>more than 10%</u> of the funds originally appropriated between any of the levels of appropriation.  | Oversight Comm<br>2/3 County Board                    |
| <input type="checkbox"/> 6            | Reallocation between two or more departments, regardless of amount   | Oversight Comm<br>2/3 County Board                    |
| <input checked="" type="checkbox"/> 7 | Any increase in expenses with an offsetting increase in revenue  | Oversight Comm<br>2/3 County Board <i>W</i>           |
| <input type="checkbox"/> 8            | Any allocation from a department's fund balance  | Oversight Comm<br>2/3 County Board                    |
| 9                                     | Any allocation from the County's General Fund ( <i>requires separate Resolution</i> )<br><i>After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.</i>  | Oversight Comm<br>Admin Committee<br>2/3 County Board |

## Justification for Budget Change:

This 2019 budget adjustment is to increase grant revenue and related outlay expense to participate in a Homeland Security WEM ALERT SWAT Ballistic Shields grant (2018-HSW-02A-11475). The grant provides funds for the purchase of ballistic protection equipment consisting of 2 ballistic shields – 1 for \$6,000 (outlay) and 1 for \$4,000 (Equipment non-outlay). There is no local match for this grant.

Fiscal Impact\*: \$10,000

\*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

| Increase                            | Decrease                 | Account #            | Account Title  | Amount   |
|-------------------------------------|--------------------------|----------------------|----------------|----------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 100.074.001.4301     | Federal grants | \$10,000 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 100.074.001.5395     | Equipment      | \$4,000  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 100.074.001.6110.020 | Outlay         | \$6,000  |
| <input type="checkbox"/>            | <input type="checkbox"/> |                      |                |          |
| <input type="checkbox"/>            | <input type="checkbox"/> |                      |                |          |
| <input type="checkbox"/>            | <input type="checkbox"/> |                      |                |          |

## AUTHORIZATIONS

Leo J. Del...  
Signature of Department Head  
Department: Sheriff's  
Date: 2-13-19

[Signature]  
Signature of DOA or Executive  
Date: 2/14/19

BOARD OF SUPERVISORS

Brown County



BROWN COUNTY  
BOARD OF SUPERVISORS  
GREEN BAY, WISCONSIN

Meeting Date: \_\_\_\_\_

Agenda No.: \_\_\_\_\_

Motion from the Floor

I make the following motion:

HAVE THE CLERK OF COURTS (TOM VANDERKLEEST)  
MEET WITH HR TO DETERMINE WHY  
THE DEPT. EMPLOYEES HAVE BEEN  
DEMOTED. AND THAT RE-CONSIDERATION  
BE GIVEN TO THE EMPLOYEE  
CLASSIFICATIONS OF THE PERSONNEL  
OF THIS VERY IMPORTANT DEPARTMENT.  
THIS MEETING SHOULD ALSO HAVE A  
CROSS SECTION OF THE DEPT EMPLOYEES.

Signed: \_\_\_\_\_

District No. \_\_\_\_\_

(Please deliver to County Clerk after motion is made for recording into minutes.)



PETITIONS AND COMMUNICATIONS FORM  
COMMON COUNCIL

~~CITY OF GREEN BAY~~ Brown County

Date of Council Meeting: 2/20/19

Request of ~~Alderman~~<sup>Supervisor</sup> Erik Hoyer, District 4

Refer to: Public Safety Committee

Please state clearly the action requested. Requests should be turned in at the City Clerk's Office by 10:00 AM on the Thursday before a Council meeting. For late communications, present this form to the City Clerk after the request is read.

Discussion + possible action concerning the sheriffs and DAS offices can engage in formal partnerships with religious organizations in investigating allegations of sexual abuse. This would include specific training for these types of investigations.